

REMARKS

This Amendment is submitted in response to the Office Action mailed on January 19, 2007. Claims 1, 11 and 32 have been amended, and claims 8-10, 24-31, 35 and 36 have been canceled without prejudice or disclaimer. Claims 1, 3-7, 11-23, 32-34 and 37 remain pending in the present application. Applicants note and appreciate Examiner's indication of the allowability of claims 10-14, 22 and 23. In view of the foregoing amendments, as well as the following remarks, Applicants respectfully submit that this application is in complete condition for allowance and requests reconsideration of the application in this regard.

Claims 1, 3-9, 15-21 and 32-37 stand rejected under 35 U.S.C. §102(b) as being anticipated by McGuire et al., U.S. Patent No. 5,797,918. While Applicants respectfully traverse these rejections, Applicants have amended independent claim 1 to incorporate the allowable subject matter of dependent claim 10 and respectfully submits that amended independent claim 1 is in condition for allowance. Independent claim 32 differs from independent claim 1 by further reciting the surgical driver of claim 1 in combination with an implant.

Applicants have incorporated the allowable subject matter of dependent claim 10 into independent claim 32 as well and respectfully submit that independent claim 32 is allowable for the same reason as amended independent claim 1.

Moreover, as claims 3-7, 11-23, 33, 34 and 37 depend from allowable independent claims 1 and 32, and further as each of these claims recites a combination of elements not taught or suggested by the prior art of record, Applicants respectfully submit that these claims are allowable as well.

Conclusion

In view of the foregoing response including the amendments and remarks, this application is submitted to be in complete condition for allowance and early notice to this affect is earnestly solicited. If there is any issue that remains which may be resolved by telephone conference, the Examiner is invited to contact the undersigned in order to resolve the same and expedite the allowance of this application.

In accordance with 37 C.F.R. §1.17(a)(1), Applicants have submitted herewith the \$450.00 fee for the two (2) months extension. If any additional fees are necessary to complete this communication, the Commissioner is hereby authorized to charge any underpayment or fees associated with this communication or credit any overpayment to Deposit Account No. 23-3000.

Application No. 10/821,298
Amendment Dated 6/1/07
Reply to Office Action of 1/19/07

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

/David H. Brinkman/
David H. Brinkman, Reg. No. 40,532

2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
(513) 241-2324 - Voice
(513) 421-7269 - Facsimile